

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Notice of Application and Preliminary Decision for Hazardous Industrial Waste Permit / Compliance Plan Renewal / Major Amendment

Permit/Compliance Plan No. 50100

APPLICATION AND PRELIMINARY DECISION. Diamond Shamrock Refining Company, L.P., 301 West Leroy Street, Three Rivers, Live Oak County, Texas 78071, has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit/compliance plan renewal with a major amendment. The renewal/major amendment authorizes continued post-closure care of four closed surface impoundments (South Equalization Pond, Pond 2, Pond 3, and Pond 4a). Ponds 2, 3, and 4a were closed as a single RCRA-regulated landfill which is designated as Waste Management Area 3 (WMA3). There are no operational hazardous waste management units being authorized under this permit. The permit renewal/major amendment also updates the geology report, revises the sampling and analysis plan, updates financial assurance for post-closure care, and modifies the permitted facility boundary. The compliance plan renewal/major amendment will continue groundwater monitoring and corrective action for the South Equalization Pond, WMA3 Plume Management Zone, and Facility-Wide Plume Management Zone, and will incorporate a plume management zone for the Hydrocracker Fractionation Unit (HCFU). The facility is located at the address listed above. TCEQ received the application on March 23, 2020. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/DKrsX>. For exact location, refer to application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit/compliance plan. The draft permit/compliance plan, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit/compliance plan, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit/compliance plan are available for viewing and copying at the Live Oak County Library - Three Rivers Branch, 102 E. Leroy Street, Three Rivers, Live Oak County, Texas 78071.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you raised during the comment period and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION All public comments and requests must be submitted within 45 days from the date of newspaper publication of this notice either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Diamond Shamrock Refining Company, L.P. at the address stated above or by calling Ms. Kathy Garcia at (361) 786-8330.

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